

California Regional Water Quality Control Board
Santa Ana Region

March 2, 2007

STAFF REPORT

ITEM: *5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Karen and Jerry Felix, 14176 Moonridge Drive, Riverside, Riverside County, APN 271-190-024

DISCUSSION:

Karen Felix contacted staff requesting approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Mr. & Mrs. Felix own and reside in a house located on a 0.19-acre lot at 14176 Moonridge Drive, Riverside. This area of Riverside is unsewered. The existing house is currently connected to an existing septic tank-subsurface disposal system that is located at the back of the property. Mr. & Mrs. Felix propose to convert an attached garage on the front of their property into a 633 sq ft living quarters, to provide a residence for their mother, who is ill and requires their assistance. A second septic system is proposed to serve these new living quarters (room additions). Mrs. Felix states that if they were to connect to the existing septic tank, the County would require them to upgrade the existing system. The upgrade and connection would cost about \$20,000.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. The property is under one-half acre; however, use of the existing subsurface disposal system is exempt from the minimum lot size requirements as the lot was created prior to the 1989 requirements. However, the proposed addition of a second subsurface disposal system does not conform to these requirements. Accordingly, Board staff denied Mr. and Mrs. Felix's request for approval for the use of the second septic tank. The parties seek Regional Board consideration of this matter.

In adopting the minimum lot size requirements (MLSRs), the Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to

accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSRs. The minimum lot size exemption criteria are based on the premise that the proposed addition of a second septic system would be necessitated only by the proposed addition of a freestanding structure, rather than additions to existing dwellings. The Regional Board did not exempt the addition of a second system based on concerns that use of an additional freestanding structure and a second septic system could result, over the long-term, in the addition of substantial wastewater flows beyond those resulting from additions to existing dwellings. Mr. and Mrs. Felix's addition will not result in a freestanding structure; however, they are proposing the installation of a second septic system. Mr. and Mrs. Felix note that the additional flows that will occur as a result of their room additions will be no greater than those that would be allowed had the existing septic tank been replaced to accommodate them. In light of the circumstances of Mr. and Mrs. Felix's proposal, Board staff believes that their arguments have merit.

RECOMMENDATION:

Approve Mr. and Mrs. Felix's request for an exemption from the minimum lot size requirements for the use of a second septic system.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Erik Spiess
Riverside County Environmental Health – Sam Martinez
Riverside County Building and Safety – Steve Dondalski